IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HOWARD L. SMITH, JR.,

Petitioner

.

v. : CIVIL NO. 1:11-CV-1222

:

RONNIE R. HOLT,

Respondent

ORDER

AND NOW, this 22nd day of September, 2011, upon consideration of the Report and Recommendation of Magistrate Judge Smyser (Doc. 7), to which no objections have been filed, it is ORDERED that said Report (Doc. 7) is approved.

Pursuant to Judge Smyser's Recommendation, it is ORDERED that the petition for a writ of habeas corpus (Doc. 1) is dismissed without prejudice. The Clerk shall close this file.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge